

#7
v Burt



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenji NAKAO et al.

Group Art Unit: 2673

Serial No.: 09/744,586

Examiner: Jeffrey J. Piziali

Filed: January 26, 2001

For: SCATTERING DISPLAY ELEMENT AND METHOD FOR DRIVING THE SAME

REPLY TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

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JAN 20 2004

Technology Center 2600

Sir:

In reply to the Office Action mailed December 8, 2003, applicants elect the claims of Group 3, namely claims 8 to 12, 29, and 31, for examination. Applicants also elect Species I which is said to correspond to claims 5 to 32; thus, the elected Group 3 claims are all within the elected species.

The Examiner had stated that no certified copy of the Japanese priority document as required by 35 USC 119(b) had been filed. Applicants direct the Examiner's attention to the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 mailed March 14, 2002 containing an acknowledgment that the "Priority Document" was received.

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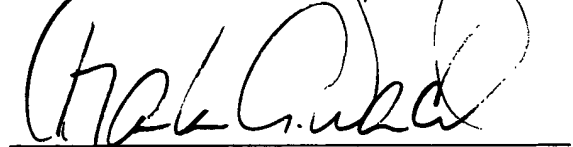
The Examiner also required a prior art legend on Figs. 64 to 69. New drawings so showing are enclosed herewith.

The Examiner had also objected to claims 72 and 96 because it was unclear whether those claims are pending or canceled. Those claims are pending. There was no instruction in the Preliminary Amendment filed January 26, 2001 to cancel those claims; indeed the instruction was to amend them. It is noted that claims 72 and 96 were stated in error in the Remarks section of that Amendment to have been canceled. It is readily apparent from a review of the file that those claims are indeed pending.

An early examination of the application is earnestly solicited.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Charles A. Wendel
Registration No. 24,453

January 14, 2004
Date

CAW/ch

Enclosure:

Figs. 64-69

Attorney Docket No.: OGOH:063

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